

**AN ACT ESTABLISHING A FAMILY AND MEDICAL LEAVE AND  
TEMPORARY DISABILITY INSURANCE PROGRAM BILL  
H.1718, sponsored by Ken Gordon; S.1008, sponsored by Karen Spilka**

Serious personal or family medical emergencies arise for all of us at some point. Individuals receive an unexpected diagnosis. An elderly parent's health rapidly declines. And parents need time off to nurture and bond with their newborn or newly adopted children. But despite the universality of these circumstances, most MA families face losing their jobs to care themselves, their families or children during these times.

Nearly 40 percent of Massachusetts workers (1.2 million) are excluded from job protected leave under the Family and Medical Leave Act (FMLA) because they work for companies with fewer than 50 employees. In addition, the FMLA's unpaid leave is not a financially viable option for most working families, particularly low-income and single parent households.

The *Family and Medical Leave and Temporary Disability Insurance Program Act (FML/TDI)* will ensure that Massachusetts workers are not forced to choose between work and their own health needs or the well-being of their children and other family members.

**KEY COMPONENTS OF THE ACT**

**Job-Protected Leave:** An employee will be eligible for up to 12 weeks of job-protected leave to recover from his or her own serious illness or injury, to care for a seriously ill or injured family member, or to care for a newborn, newly adopted, or new foster child.

**Partial Wage Replacement:** An employee will be eligible for temporary disability benefits equal to a percentage of his or her average weekly wages in relation to area median income, capped at \$1,000/week. The four levels of benefits ensure the highest percentage of weekly wages go to the lowest wage earners (30% or < of AMI=95%; >30% but <50% of AMI=90%; >50% but <80% of AMI=80%; and >80% of AMI=66%).

- > Benefits will last up to 12 weeks to care for a seriously ill or injured family member, or to care for a newborn, newly adopted, or new foster child.
- > Benefits will last up to 26 weeks for an employee's own non-work-related serious illness or injury.

Benefits will be funded through employer contributions to the new Family and Employment Security Trust Fund, which will be administered by the Division of Employment and Training.

The bill is designed to keep costs down by including the following measures:

- > Employers providing equivalent benefits are exempt from contributions to the Family and Employment Security Trust Fund.
- > Employees out of work because of their own illness or injury will be eligible for benefits only after a one-week waiting period.
- > Using existing agencies and avoiding the expense of creating new entities for administration and enforcement.

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